

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:23-CR-96-TAV-JEM
MARTELL GARCIA GRADY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Martell Grady's Unopposed Motion to Continue and Associated Deadlines [Doc. 25], filed on January 4, 2024.

Defendant Grady asks the Court to continue the February 6, 2024 trial date and reset the deadlines in this case. In support of his motion, Defendant states that "[t]hough negotiations are continuing between the parties, there remains outstanding the results of the laboratory testing done on the alleged drugs in this case" [Doc. 25 p. 1]. According to Defendant, a continuance would "allow the necessary time for counsel to be adequately prepared for trial and . . . protect [Defendant's] right to effective assistance of counsel" and would "permit the parties to engage in settlement negotiations" [*Id.*]. Defendant's motion reflects that he "understands and agrees that the time period of this continuance is excluded from the speedy trial computation" [*Id.*]. Finally, Defendant represents that the Government does not oppose the motion [*Id.*]. Defense counsel and counsel for the Government request a new trial date in June or July 2024.

Based upon the information provided by Defendant Grady in his motion and the lack of opposition by the Government, the Court finds the ends of justice served by granting a continuance

outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, considering the information presented in Defendant Grady's motion, the Court concludes that not granting a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Counsel for Defendant Grady needs additional time to review outstanding laboratory results, engage in plea negotiations, and prepare for trial if negotiations are not fruitful. All of this cannot be done by the February 6, 2024 trial date.

The Court therefore **GRANTS** Grady's Unopposed Motion to Continue and Associated Deadlines [**Doc. 25**]. The trial of this case is reset to **June 11, 2024**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on January 4, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

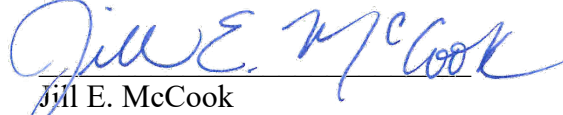
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Grady's Unopposed Motion to Continue and Associated Deadlines [**Doc. 25**] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **June 11, 2024, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **January 4, 2024**, and the new trial date of **June 11, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **May 10, 2024**;
- (5) the deadline for filing motions *in limine* is **May 24, 2024**;

- (6) the parties are to appear before the undersigned for a final pretrial conference on **May 28, 2024, at 10:00 a.m.**; and
- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **May 31, 2024.**

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge